

**REMARKS**

Claims 28-72 were previously presented for consideration. These claims are fully supported by the original disclosure, including original claims 15 and 18. Accordingly, claims 1-72 are pending in the reissue. Claims 1, 2, 7, 16, 19-21, 23, 28-45, and 52-72 are independent.

The Examiner's indication that claims 1-15, 20, and 23-27 are allowed, is noted with appreciation.

**Missing Papers**

It appears that executed copies of formal documents such as the assignee consent may have been misplaced and are currently not available in file history.

Applicant previously submitted the executed assignee consent to reissue. Applicants are including fully executed copies of the Assignee's Consent to Reissue with the present response.

**Request for Supplemental Reissue Declaration**

Applicant is now in the process of forwarding the Supplemental Declaration to all four inventors for execution. Applicant requests that the Examiner hold this requirement in abeyance, pending issuance of the formal Notice of Allowance.

**Prior Art Rejections**

Based on the Examiner's previous statements, and Applicant's remarks in the Amendment accompanying the Request for Continued Examination documentation, Applicant believes that the current claims are allowable.

Applicant has further amended the claims so that the functional limitations in the claims should be afforded patentable weight. Specifically, where needed to assign patentable weight to the functional claim limitations, Applicant has amended the claims to recite means-plus-function terminology. Withdrawal of the prior art rejections is respectfully requested.

For the reasons stated above, it is respectfully submitted that the present reissue application and all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned, if it is believed that such contact would further the examination of the present application.

### **CONCLUSION**

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

In addition, each of the combination of limitations recited in the claims includes additional limitations not shown or suggested by the prior art. Therefore, for these reasons as well, Applicants respectfully request withdrawal of the rejection.

Further, there is no motivation shown to combine the prior art cited by the Examiner, and even if these teachings of the prior art are combined, the combination of elements of claims, when each is interpreted as a whole, is not disclosed in the Examiner's proposed combination. As the combination of elements in each of the claims is not disclosed, Applicants respectfully request that the Examiner withdraw the rejections.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with

distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

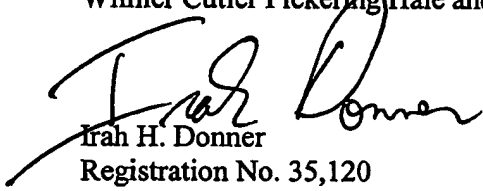
**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

Respectfully submitted,

Wilmer Cutler Pickering Hale and Dorr LLP

  
Ira H. Donner  
Registration No. 35,120

399 Park Avenue  
New York, NY 10022  
TEL (212) 230-8887  
FAX (212) 230-8888

Date: 11/8/05

IHD/tes